

Applicant Details

First Name	Caleb
Last Name	Anderson
Citizenship Status	U. S. Citizen
Email Address	<a href="mailto:caleb.anderson@law.ua.edu">caleb.anderson@law.ua.edu</a>
Address	<div><div>Address</div><div>Street</div><div>800 Energy Center Blvd Apt 1912</div><div>City</div><div>Northport</div><div>State/Territory</div><div>Alabama</div><div>Zip</div><div>35473</div><div>Country</div><div>United States</div></div>
Contact Phone Number	(717) 275-6096

Applicant Education

BA/BS From	University of South Carolina-Columbia
Date of BA/BS	August 2010
JD/LLB From	The University of Alabama School of Law
	<a href="http://www.law.ua.edu">http://www.law.ua.edu</a>
Date of JD/LLB	May 10, 2024
Class Rank	33%
Law Review/Journal	Yes
Journal(s)	Alabama Law Review
Moot Court Experience	No

Bar Admission

Prior Judicial Experience

Judicial Internships/ Externships	No
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Post-graduate Judicial Law Clerk      **No**

## **Specialized Work Experience**

## **Recommenders**

Kruse, Rebecca  
becky.kruse@alaska.gov  
Stafford, Caitlin  
Caitlin.Stafford@coag.gov  
Elliott, Heather  
helliott@law.ua.edu  
205-348-9965

## **References**

1. Heather Elliott, Alumni, Class of '36 Professor of Law, University of Alabama School of Law, (205) 771-0007, hellriott@law.ua.edu;
2. Rebecca D. Kruse, Administrative Law Judge, Office of Administrative Hearings, Alaska Department of Administration, (907) 269-8170, becky.kruse@alaska.gov;
3. Caitlin Stafford, Assistant Attorney General, Colorado Attorney General's Office, (720) 508-6254, caitlin.stafford@coag.gov

**This applicant has certified that all data entered in this profile and any application documents are true and correct.**

**CALEB ANDERSON**

800 Energy Center Blvd, Apt 1912, Northport, AL 35473  
(717) 275-6096 | Caleb.anderson@law.ua.edu

June 20, 2023

The Honorable Kea Riggs  
Pete V. Domenici United States Courthouse  
333 Lomas Boulevard, N.W.  
Albuquerque, NM 87102

Dear Judge Riggs:

I am a second-year law student at The University of Alabama School of Law, where I am ranked in the top 33% of my class and serve as an Articles Editor on the *Alabama Law Review*. I am writing to express my interest in a clerkship in your chambers for the term beginning in 2024.

Prior to attending law school, I worked as a Professional Research Assistant in the Molecular, Cellular, and Developmental Biology Department at University of Colorado Boulder. After completing my first year of law school, I spent the summer as an intern with the Alaska Office of Administrative Hearings. Working directly with several Administrative Law Judges on cases before a range of state government agencies improved my research and writing skills and provided me with experience analyzing lengthy administrative records. During the spring semester, I worked as an intern with the Natural Resources and Environment Section of the Colorado Attorney General's Office, gaining additional research and writing experience and learning how to draft administrative enforcement documents. This summer, I am interning with the U.S. Department of Energy, Office of Hearings and Appeals, assisting with research tasks, personnel security hearings, and assignments from the Alternative Dispute Resolution Office. The attention to detail and critical thinking skills I cultivated while working as a scientist have translated well to the classroom and internship contexts in law school. Thus, I believe I will be able to contribute substantively to your chambers.

Copies of my resume, undergraduate transcript, and my most recent law transcript are enclosed. I have also included, with permission, an excerpt from a memorandum that I prepared as part of my work for the Alaska Office of Administrative Hearings. Further, I have enclosed letters of recommendation from Professor Heather Elliott; Administrative Law Judge Rebecca Kruse, my summer internship supervisor; and Caitlin Stafford, my supervising attorney from the Colorado Attorney General's Office. Thank you in advance for your time and consideration.

Respectfully,

Caleb Anderson

## CALEB ANDERSON

800 Energy Center Blvd, Apt 1912, Northport, AL 35473  
(717) 275-6096 | Caleb.anderson@law.ua.edu

### EDUCATION

#### THE UNIVERSITY OF ALABAMA SCHOOL OF LAW, Tuscaloosa, AL

*Juris Doctor* Candidate, May 2024

**GPA:** 3.555 (Top 33%)

**Journal:** *Alabama Law Review*, Articles Editor, Vol. 75

**Honors:** Merit Scholarship; High Pass, Externship Program, Spring 2023;  
Best Paper Award, International Environmental Law, Fall 2022

**Activities:** Research Assistant (Water Law, Prof. Heather Elliott), Environmental Law Society (President),  
Intellectual Property Law Society, National Lawyers Guild, SBA Student Mentor

#### THE UNIVERSITY OF ALABAMA, Tuscaloosa, AL

Master of Science in Biology, August 2014

**Honors:** National Geographic Graduate Research Assistant Grant Funding

#### UNIVERSITY OF SOUTH CAROLINA, Columbia, South Carolina

Bachelor of Science, *cum laude*, in Marine Science, August 2010

**Minor:** Geography

**Honors:** Honors College, McNair Scholar, Dean's List, President's Honor List

**Activities:** Marching Band, Concert Band

**Study Abroad:** University of South Carolina Australia Study Abroad; Operation Wallacea in Indonesia  
• Marine Ecology Courses

### EXPERIENCE

#### OFFICE OF HEARINGS AND APPEALS, U.S. DEPARTMENT OF ENERGY, Washington, DC

*Summer Legal Intern*, May 2023–present

- Assist Administrative Judges and Office attorneys with research and writing projects

#### GEOLOGICAL SURVEY OF ALABAMA, Tuscaloosa, AL

*Law Clerk*, March 2023–present

- Part-time position assisting the GSA Chief of Staff with state water law and policy research
- Edited the water policy column in the quarterly magazine of Alabama's Water Environment Association

#### COLORADO ATTORNEY GENERAL'S OFFICE, Denver, CO

*Spring Legal Intern for Natural Resources and Environment Section*, January 2023–April 2023

- Assisted Section attorneys with research and writing projects
- Drafted administrative enforcement documents

#### OFFICE OF ADMINISTRATIVE HEARINGS, ALASKA DEPT. OF ADMIN., Anchorage/Juneau, AK

*Summer Legal Intern*, May 2022–July 2022

- Assisted Administrative Law Judges and the Commissioner of the Alaska Department of Environmental Conservation with preparing for adjudicatory hearings and drafting decisions
- Prepared memoranda analyzing administrative records and briefs filed by private parties and state agencies
- Researched past decisions to locate relevant precedent

#### BOULDER COUNTY DEPARTMENT OF PARKS AND OPEN SPACE, Boulder, CO

*Volunteer Ranger Corps*, January 2019–July 2021

- Patrolled parks and open space properties in a volunteer capacity
- Reported visitor counts and violations of rules and regulations
- Educated visitors about local wildlife using trailhead displays

Caleb Anderson PG. 1

## **EXPERIENCE CONT'D**

### **UNIVERSITY OF COLORADO BOULDER**, Boulder, CO

*Professional Research Assistant (Molecular, Cellular, and Developmental Biology)*, June 2016–June 2021

- Designed, optimized, and conducted molecular neurobiology experiments
- Contributed writing to grant proposal and research publication submissions
- Ensured compliance with laboratory safety inspection requirements

### **MEADOW MIST FARM**, Loysville, PA

*Laborer*, September 2015–May 2016

- Performed animal husbandry and farm maintenance tasks on a small beef cattle farm
- Operated heavy agricultural machinery and harvested forage

### **UNIVERSITY OF GRAZ**, Graz, Austria

*University Assistant (Zoology)*, November 2014–August 2015

- Performed genetics laboratory work including microsatellite paternity analysis and Sanger sequencing
- Instructed zoology students on laboratory techniques and use of genetics software packages

### **THE UNIVERSITY OF ALABAMA**, Tuscaloosa, AL

*Graduate Research Assistant (Biological Sciences)*, January 2012–August 2014

- Directed a small team of students conducting a laboratory study of convict cichlid fish behavior
- Collected fish behavior data via scuba diving on multiple field research trips to Nicaragua
- Coordinated with other laboratory members to maintain proper housing conditions for research fish

## **PUBLICATIONS**

Ryan L. Earley et al., *Carotenoid Availability and Tradeoffs in Female Convict Cichlids, a Reverse Sexually-Dichromatic Fish*, ENV'T BIOLOGY OF FISHES 1541–52 (2020).

Ethan D. Clotfelter et al., *Evidence for male alternative reproductive tactics in convict cichlids (Amatitlania siquia) in Lake Xilola, Nicaragua*, ENV'T BIOLOGY OF FISHES 655–62 (2017).

Caleb Anderson et al., *Seeing orange: breeding convict cichlids exhibit heightened aggression against more colorful intruders*, BEHAV. ECOLOGY AND SOCIOBIOLOGY 647–57 (2016).

Caleb Anderson et al., *Same school, different conduct: rates of multiple paternity vary within a mixed-species breeding school of semi-pelagic cichlid fish (Cyprichromis spp.)*, ECOLOGY AND EVOLUTION 37–45 (2015).


Caleb Anderson et al., *Carotenoid-based coloration is associated with predation risk, competition, and breeding status in female convict cichlids (Amatitlania siquia) under field conditions*, ENV'T BIOLOGY OF FISHES 1005–13 (2014).

## **INTERESTS**

Scuba diving, kayaking, running 5Ks, hiking, casual birdwatching

11402364 Caleb T. Anderson  
Jun 09, 2023 08:31 am

# Academic Transcript

 This is not an official transcript. Courses which are in progress may also be included on this transcript.

[Institution Credit](#) [Transcript Totals](#) [Courses in Progress](#)

## Transcript Data

### STUDENT INFORMATION

**Name :** Caleb T. Anderson

### Curriculum Information

#### Current Program:

Juris Doctor

**College:** Law School

**Major and Department:** Law, Law

\*\*\*This is NOT an Official Transcript\*\*\*

### INSTITUTION CREDIT [-Top-](#)

#### Term: Fall 2021

**Major:** Law

**Academic Standing:** Good Standing

Subject	Course	Level	Title	Grade	Credit Hours	Quality Points
LAW	602	LW	Torts	A-	4.000	14.680
LAW	603	LW	Criminal Law	B+	4.000	13.320
LAW	608	LW	Civil Procedure	B+	4.000	13.320
LAW	610	LW	Legal Research/Writing	A-	2.000	7.340
LAW	713	LW	Intro to Study of Law	P	1.000	0.000

	Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
<b>Current Term:</b>	15.000	15.000	15.000	14.000	48.660	3.476
<b>Cumulative:</b>	15.000	15.000	15.000	14.000	48.660	3.476

#### Term: Spring 2022

**Major:** Law

**Academic Standing:** Good Standing

Subject	Course	Level	Title	Grade	Credit Hours	Quality Points
LAW	600	LW	Contracts	B+	4.000	13.320
LAW	601	LW	Property	B+	4.000	13.320
LAW	609	LW	Constitutional Law	A-	4.000	14.680
LAW	648	LW	Legal Research/Writing II	B+	2.000	6.660
LAW	742	LW	Legislation and Regulation	B+	2.000	6.660

	Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
<b>Current Term:</b>	16.000	16.000	16.000	16.000	54.640	3.415

**Cumulative:** 31.000 31.000 31.000 30.000 103.300 3.443

**Term: Fall 2022**

**Major:** Law  
**Academic Standing:** Good Standing

Subject	Course Level	Title	Grade	Credit Hours	Quality Points	
LAW	627	LW Advanced Legal Research	A-	2.000	7.340	
LAW	645	LW Business Organizations	B+	3.000	9.990	
LAW	660	LW Legal Profession	A-	3.000	11.010	
LAW	670	LW Federal Jurisdiction	A	3.000	12.000	
LAW	763	LW Intl Environmental Law Seminar	A+	2.000	8.660	
LAW	835	LW Patent Law	B+	3.000	9.990	
			Attempt Hours	Passed Hours	Earned Hours	GPA
						Quality Points
<b>Current Term:</b>			16.000	16.000	16.000	58.990
<b>Cumulative:</b>			47.000	47.000	47.000	162.290

**Term: Spring 2023**

**Major:** Law  
**Academic Standing:** Standing Undetermined

Subject	Course Level	Title	Grade	Credit Hours	Quality Points	
LAW	668	LW Complex Litigation	B+	3.000	9.990	
LAW	683	LW Administrative Law	A	3.000	12.000	
LAW	690	LW Water Law	A-	3.000	11.010	
LAW	769	LW Poverty Law	A-	2.000	7.340	
LAW	795	LW Externship Program	P	5.000	0.000	
			Attempt Hours	Passed Hours	Earned Hours	GPA
						Quality Points
<b>Current Term:</b>			16.000	16.000	16.000	40.340
<b>Cumulative:</b>			63.000	63.000	63.000	202.630

**TRANSCRIPT TOTALS (LAW) -Top-**

	Attempt Hours	Passed Hours	Earned Hours	GPA Hours	Quality Points	GPA
<b>Total Institution:</b>	63.000	63.000	63.000	57.000	202.630	3.555
<b>Total Transfer:</b>	0.000	0.000	0.000	0.000	0.000	0.000
<b>Overall:</b>	63.000	63.000	63.000	57.000	202.630	3.555

**COURSES IN PROGRESS -Top-**

**Term: Fall 2023**

**Major:** Law  
**Subject Course Level Title**

Subject	Course Level	Title	Credit Hours
LAW	626	LW Externship Class	1.000
LAW	642	LW Evidence	3.000
LAW	662	LW Secured Transactions	3.000
LAW	712	LW Law Review I	1.000
LAW	744	LW Legislative Drafting	2.000
LAW	795	LW Externship Program	4.000

**RELEASE: 8.7.1**

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University of South Carolina

Office of the University Registrar - Transcripts

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1521 Greene Street  
Columbia, SC 29208  
PHONE: (803) 777-5555  
registrar@sc.edu  
http://registrar.sc.edu

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# UNIVERSITY OF SOUTH CAROLINA

OFFICE OF THE UNIVERSITY REGISTRAR • COLUMBIA, SC 29208-0001

STUDENT NAME: **CALEB TIMOTHY ANDERSON**

STUDENT NUMBER: **10/05**

ISSUED TO: **DOCUMENTID 3453674**

DRTHURSDAY@GMAIL.COM

DATE: **12/10/2013**

CONTROL NO: **124017**

DATE ISSUED: **12/10/2013**

PAGE **1**

## BEGINNING OF UNDERGRADUATE RECORD

DEGREE(S) AWARDED:

SUMMER II 2010  
DEGREE: BACHELOR OF SCIENCE  
SCHOOL: COLLEGE OF ARTS AND SCIENCES  
MAJOR: MARINE SCIENCE  
MINOR: GEOGRAPHY  
EMPHASIS: BIOLOGICAL OCEANOGRAPHY  
HONORS: CUM LAUDE  
HONORS 2: WITH HONORS FROM SOUTH CAROLINA HONORS COLLEGE  
LOCATION: USC COLUMBIA

SENIOR THESTS:

INTERSPECIFIC BEHAVIORAL INTERACTIONS OF SYMPATRIC UCA SPECIES  
GRADUATION WITH HONORS FROM THE SOUTH CAROLINA HONORS COLLEGE IS RESERVED FOR STUDENTS FROM THE HONORS COLLEGE WHO HAVE FULFILLED A RIGOROUS SET OF REQUIREMENTS BEYOND THOSE SET FOR STANDARD BACHELOR DEGREES. GRADUATION WITH HONORS TESTIFIES TO A STRONG COMMITMENT TO ACADEMIC GROWTH, WHICH BUILDS UPON INTELLECTUAL ANALYSIS, RESEARCH SKILLS AND CLARITY OF EXPRESSION.

TRANSFER CREDIT ACCEPTED:

CALIF UNIVERSITY OF CALIFORNIA PA 15419 05/2005-06/2005 6.00 HOURS  
LONG ISLAND UNIV CM BROOKVILLE NY 11548 05/2007-06/2007 4.00 HOURS  
PENN STATE UNIV PARK UNIV PARK PA 16802 05/2010-06/2010 3.00 HOURS

CREDIT COUNTED TOWARD THE USC DEGREE IS DETERMINED BY STUDENT'S MAJOR PROGRAM OF STUDY.

COURSE TITLE	DEPT	CRSE	GRD	HC	HE	GH	GP	GPA
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## FALL 2006 ARTS & SCIENCES

SESSION DATES 08/24/2006 - 12/08/2006  
GENERAL CHEMISTRY CHEM 111 A 4.0 4.0 4.0 4.0 16.00  
COMPOSITION ENGL 101 A 3.0 3.0 3.0 3.0 12.00 HONORS  
CALCULUS I MATH 141 A 4.0 4.0 4.0 4.0 16.00 HONORS  
INTRO OCEANOGRAPHY I MSCI 101 A 4.0 4.0 4.0 4.0 16.00 HONORS  
MARCHING BAND MUSC 123 B+ 1.0 1.0 1.0 1.0 3.50  
SEMESTER TOTALS: 16.0 16.0 16.0 16.0 63.50 3.969  
DEAN'S HONOR LIST

FICE: 3448  
CEEB: 5818  
ACT: 3880

FAX (803) 777-6349



## ACADEMIC TRANSCRIPT

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*Aaron C. Maierle*  
University Registrar

## \*\*\* ISSUED TO STUDENT \*\*\*

COURSE TITLE	DEPT	CRSE	GRD	HC	HE	GH	GP	GPA
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## SPRING 2007 ARTS & SCIENCES

SESSION DATES 01/16/2007 - 04/30/2007  
GENERAL CHEMISTRY CHEM 112 C 4.0 4.0 4.0 4.0 8.00  
EUR CIV: ANCIENT-MID 17TH HIST 101 B 3.0 3.0 3.0 3.0 9.00  
CALCULUS II MATH 142 C+ 4.0 4.0 4.0 4.0 10.00 HONORS  
OCEANOGRAPHY II MSCI 102 A 4.0 4.0 4.0 4.0 16.00 HONORS  
SYMPHONIC BAND MUSC 124 A 1.0 1.0 1.0 1.0 4.00  
SEMESTER TOTALS: 16.0 16.0 16.0 16.0 47.00 2.938

## SUMMER I 2007 ARTS & SCIENCES

SESSION DATES 06/04/2007 - 07/03/2007  
STUDY ABROD/ANOTHER INST INTL 503 S 0.0 0.0 0.0 0.0 0.00  
SEMESTER TOTALS: 0.0 0.0 0.0 0.0 0.00  
\*\*\* COURSEWORK TAKEN THROUGH THE STUDY ABROAD PROGRAM AT LONG ISLAND UNIVERSITY, BROOKVILLE, NEW YORK (SEE TRANSFER CREDIT) \*\*\*

## FALL 2007 ARTS & SCIENCES

SESSION DATES 08/23/2007 - 12/07/2007  
COMPOSITION & LITERATURE ENGL 102 B+ 3.0 3.0 3.0 3.0 10.50 HONORS  
BIOLOGY-MARINE ORGANISMS MSCI 311 A 4.0 4.0 4.0 4.0 16.00  
MARCHING BAND MUSC 123 A 1.0 1.0 1.0 1.0 4.00  
GENERAL PHYSICS I PHYS 201 B+ 3.0 3.0 3.0 3.0 10.50  
INTERMEDIATE SPAN I SPAN 209 A 3.0 3.0 3.0 3.0 12.00  
STATISTICAL METHODS I STAT 515 B+ 3.0 3.0 3.0 3.0 10.50 HONORS  
SEMESTER TOTALS: 17.0 17.0 17.0 17.0 63.50 3.735  
DEAN'S HONOR LIST

## SPRING 2008 ARTS & SCIENCES

SESSION DATES 01/14/2008 - 04/28/2008  
SCI&TECHNOL IN WRLD HST HIST 108 C+ 3.0 3.0 3.0 3.0 7.50 HONORS  
PHYS&CHEM OCEANOGRAPHY MSCI 312 A 4.0 4.0 4.0 4.0 16.00  
SYMPHONIC BAND MUSC 124 A 1.0 1.0 1.0 1.0 4.00  
GENERAL PHYSICS II PHYS 202 B 3.0 3.0 3.0 3.0 9.00  
GENERAL PHYSICS II LAB PHYS 202L A 1.0 1.0 1.0 1.0 4.00  
PROSEM: ETHICS OF FOOD SCHC 359K A 3.0 3.0 3.0 3.0 12.00 HONORS  
SESSION DATES 03/18/2008 - 05/30/2008  
FIELD&LAB INVESTIGATINS MSCI 460 A 4.0 4.0 4.0 4.0 16.00  
SEMESTER TOTALS: 19.0 19.0 19.0 19.0 68.50 3.605  
DEAN'S HONOR LIST

\*\*\* CONTINUED ON PAGE 2 \*\*\*

# UNIVERSITY OF SOUTH CAROLINA

OFFICE OF THE UNIVERSITY REGISTRAR • COLUMBIA, SC 29208-0001

FILE: 3448  
CEEB: 5818  
ACT: 3880  
FAX (803) 777-6349

STUDENT NAME: CALEB TIMOTHY ANDERSON  
STUDENT NUMBER: USC-00-2413  
BIRTH DATE: 10/05

ISSUED TO: DOCUMENTID 3453674  
DRTHURSDAY@GMAIL.COM

**ACADEMIC TRANSCRIPT**  
This transcript is printed on special security paper with a garnet background, the seal of the University of South Carolina at Columbia and the signature of the University Registrar, Aaron C. Maierle. This is an official sealed instrument; a raised seal is not required. The student is in good academic standing unless otherwise noted.



*Aaron C. Maierle*  
University Registrar

PAGE 2 CONTROL NO: 124017 DATE ISSUED: 12/10/2013

## UNDERGRADUATE RECORD (CONT.)

\*\*\* ISSUED TO STUDENT \*\*\*

COURSE TITLE	DEPT	CRSE	GRD	HC	HE	GH	GP	GPA
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<b>FALL 2008</b>								
<b>SESSION DATES 08/21/2008 - 12/05/2008</b>								
ARTS & SCIENCES								
ECOLOGICAL EVOLUTION	BIOL	301	B	3.0	3.0	3.0	9.00	HONORS
ECOLOGICAL EVOLUTION LAB	BIOL	301L	A	1.0	1.0	1.0	4.00	
ORGANIC CHEMISTRY I	CHEM	333	B	3.0	3.0	3.0	9.00	
COMP ORGANIC CHEM LAB I	CHEM	333L	W					
<b>WITHDREW 09/08/2008</b>								
GEN APPLICATIONS PROGRAM	CSCE	102	A	3.0	3.0	3.0	12.00	
MARINE ECOLOGY	MSCI	575	B	3.0	3.0	3.0	9.00	
MARCHING BAND	MUSC	123	A	1.0	1.0	1.0	4.00	
GENERAL PHYSICS I LAB	PHYS	201L	A	1.0	1.0	1.0	4.00	
<b>SEMESTER TOTALS:</b>				15.0	15.0	15.0	51.00	3.400

<b>SPRING 2009</b>								
<b>SESSION DATES 01/12/2009 - 04/27/2009</b>								
ARTS & SCIENCES								
CELL & MOLECULAR BIOLOGY	BIOL	302	C+	3.0	3.0	3.0	7.50	HONORS
CELL & MOLECULAR BIOLOGY LAB	BIOL	302L	A	1.0	1.0	1.0	4.00	
ORGANIC CHEMISTRY II	CHEM	334	C	3.0	3.0	3.0	6.00	
SYMPHONIC BAND	MUSC	124	A	1.0	1.0	1.0	4.00	
INTRO TO PSYCHOLOGY	PSYC	101	B	3.0	3.0	3.0	9.00	HONORS
PROSEM: VIETNAM WAR	SCHC	322F	A	3.0	3.0	3.0	12.00	HONORS
<b>SESSION DATES 03/16/2009 - 04/27/2009</b>								
PROSEM: PROJECT PLANNING	SCHC	390Z	S	1.0	1.0	1.0		
<b>SEMESTER TOTALS:</b>				15.0	15.0	14.0	42.50	3.036

<b>FALL 2009</b>								
<b>SESSION DATES 08/20/2009 - 12/04/2009</b>								
ARTS & SCIENCES								
FUNDAMENTAL GENETICS	BIOL	303	B+	3.0	3.0	3.0	10.50	HONORS
ESSNTLS ORGN CHEM LAB I	CHEM	331L	B+	1.0	1.0	1.0	3.50	
BIOGEOGRAPHY	GEOG	348	A	3.0	3.0	3.0	12.00	
SENIOR SEMINAR	MSCI	505	A	1.0	1.0	1.0	4.00	
MARCHING BAND	MUSC	123	A	1.0	1.0	1.0	4.00	
<b>SESSION DATES 08/20/2009 - 04/26/2010</b>								
SENIOR THESIS/PROJECT	SCHC	499	B	6.0	6.0	6.0	18.00	HONORS
<b>SEMESTER TOTALS:</b>				15.0	15.0	15.0	52.00	3.467

COURSE TITLE	DEPT	CRSE	GRD	HC	HE	GH	GP	GPA
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<b>SPRING 2010</b>								
<b>SESSION DATES 01/11/2010 - 04/26/2010</b>								
ARTS & SCIENCES								
PEOPLES, PLACES & ENVIRONMENTS	GEOG	210	A	3.0	3.0	3.0	3.0	12.00
HUMAN IMPACT/ENVIRONMENT	GEOG	343	A	3.0	3.0	3.0	3.0	12.00
WATER AS A RESOURCE	GEOG	347	A	3.0	3.0	3.0	3.0	12.00
GEOGRAPHIC INFO SYSTEMS	GEOG	363	A	3.0	3.0	3.0	3.0	12.00
AMERICA'S NATIONAL PARKS	GEOG	370	A	3.0	3.0	3.0	3.0	12.00
SYMPHONIC BAND	MUSC	124	A	1.0	1.0	1.0	4.00	
<b>SEMESTER TOTALS:</b>				16.0	16.0	16.0	64.00	4.000
<b>PRESIDENT'S HONOR LIST</b>								
UNDERGRADUATE TOTALS				HC	HE	GH	GP	GPA
				129.00	129.00	128.00	452.00	3.531
<b>CUMULATIVE U.S.C.</b>								

\*\*\* END OF UNDERGRADUATE RECORD \*\*\*

\*\*\* END OF TRANSCRIPT \*\*\*

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# TRANSCRIPT GUIDE

## UNIVERSITY OF SOUTH CAROLINA / OFFICE OF THE UNIVERSITY REGISTRAR

COLUMBIA, SOUTH CAROLINA 29208-0001 Phone: (803) 777-5555 Fax: (803) 777-6349

**ACCREDITATION:** The University of South Carolina is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to award degrees from the associate degree to the doctoral level. In addition to this comprehensive accreditation, the professional schools within the Columbia campus are individually accredited by their respective associations.

**CALENDAR:** The University of South Carolina operates under the semester calendar. The unit of credit is a semester hour which, in general, represents one hour per week of lecture or two or more hours per week of laboratory for a semester of sixteen weeks. Courses may be taught in other shortened sessions, but must meet for a minimum of 700 minutes per credit hour.

**ELIGIBILITY FOR READMISSION:** Unless a statement to the contrary is shown as the last entry on the record, a student is eligible to apply for readmission. Disciplinary dismissals are not noted on the academic record.

**SYMBOLS:** Courses taken off the Columbia campus are designated by the following letters preceding the course number.

A • Alken Undergraduate	K • Coastal Carolina • Graduate (Fall 1993-Summer I 1995)	R • Regional Graduate
B • Beaufort	L • Lancaster	S • Salkehatchie
C • Independent Learning	M • Myrtle Beach AFB (through Summer 1992)	T • Other Regional Undergraduate
D • School of Medicine	N • PACE Program (through Fall 1979)	U • Union
E • Columbia Evening Classes	O • Palmetto Program (beginning Fall 1994)	V • Sumter
F • Field/Extension Courses (through Fall 1971)	P • Palmetto Program (beginning Fall 2005)	W • Upstate/Spartanburg
G • Georgetown (through Fall 1972)	Q • Florence (through Summer II 1970)	Undergraduate
H • Coastal Carolina (through Summer I 1995)	Q • Orangeburg Regional Hospital (through Spring 1975)	X • Shaw AFB
I • Overseas Programs	Q • Upstate/Spartanburg - Graduate	Y • Beaufort MCAS and Hilton Head
J • Telecommunications	(beginning Spring 1994)	Z • Fort Jackson
K • Kingstree (through Summer II 1993)		

**COURSE NUMBERING SYSTEM:** Courses numbered from 100 to 699 are taken at different levels for undergraduate credit. All courses numbered 100 to 499 are for associate and baccalaureate degree candidates. Courses numbered 500 to 699 may be taken for undergraduate or graduate credit and are open to advanced undergraduates. Courses numbered 700 to 899 may be taken for graduate credit only.

**GRADE FORGIVENESS:** Undergraduates earning a D+, D, F or WF in courses taken Fall 2007 or later may take up to two(s) of these courses for a second time for the purpose of grade forgiveness. Both the first and second grades will appear on the University of South Carolina Transcript with only the second grade, designated by Repeated (GR) to be used in the computing of the University of South Carolina cumulative grade point average.

**SOUTH CAROLINA COLLEGE OF PHARMACY (SCCP courses):** The merger of the Colleges of Pharmacy at the University of South Carolina in Columbia and the Medical University of South Carolina in Charleston beginning Fall 2006.

**SOUTH CAROLINA HONORS COLLEGE:** The SCCC and SCHC acronym indicates courses offered by the South Carolina Honors College, which are either honors versions of regular University courses or special proseminars. Courses average 14 students, tend to be in a discussion format, foster strong faculty-student rapport, and frequently include intensive work on individual or group projects.

## EXPLANATION OF TOTALS:

Hours Carried (HC) - Course hours for which the student was enrolled

Hours Earned (HE) - Course hours passed

GPA Hours (GH) - Course hours used in computing the grade point average

Grade Points (GP) - GPA hours times the value of the grade. Grading is on a 4-point scale.

Separate grade totals are kept on undergraduate, graduate, law and medical records. Transfer hours earned include collegiate level course work, credit by exam, credit for military experience and work earned at foreign institutions. All collegiate course work earned is used to determine graduation honors.

## EXPLANATION OF GRADING SYSTEMS

Grades issued prior to 1975 have been converted to post-1975 grading systems

**Fall 1975 to present (Undergraduate, Graduate, Law)**  
**Fall 1980 to present (Medicine)**

Transcript Grade	Explanation	Grade Factor
A	Excellent	4.0
B+	Very good	3.5
B	Good	3.0
C+	Above Average	2.5
C	Average/Fair	2.0
D+	Below Average	1.5
D	Poor	1.0
F	Failing	0.0

\*Plus system for Law effective Fall 1975, for undergraduate effective Fall 1978, for graduate effective Fall 1979, for Medicine effective Fall 1980.  
D+ not valid for Medicine after Summer II 1980.

(For Medicine only, from Fall 1978 through Summer II 1980)  
A = 4.0, A- = 3.7, B+ = 3.3, B = 3.0, B- = 2.7, C+ = 2.3, C = 2.0, C- = 1.7, D+ = 1.3, D = 1.0, D- = .70, F = 0.0

(For Law only beginning Fall 2001 through Summer II 2007)  
H = Honors, P = Pass, LP = Low Pass, NP = No Pass

## Additional Grades and Symbols:

- AUD - AUDIT only\*\*
- I - Incomplete (calculates as F in undergraduate GPA through Summer II 2005)
- NR - No Report\*\*
- S - Satisfactory\*\*
- T - Thesis/Dissertation Research\*\*
- U - Unsatisfactory\*\*
- W - Withdrawn Without Penalty\*\*
- WF - Withdrawn With Penalty
- \*\*\* - Course still in progress or early registered\*\*
- NC - No penalty Grade used Fall 1957 through Summer II 1975\*\*
- X - Before a grade indicates USC Honor Code Violation

\*\* does not affect GPA

June 20, 2023

The Honorable Kea Riggs  
Pete V. Domenici United States Courthouse  
333 Lomas Boulevard, N.W.  
Albuquerque, NM 87102

Dear Judge Riggs:

I am thrilled to recommend Caleb Anderson for a judicial clerkship.

Caleb interned with the Alaska Office of Administrative Hearings during the summer of 2022. Because of his interest in environmental law, we primarily tasked Caleb with assisting judges and the Department of Environmental Conservation Commissioner with two environmental cases as well as a complex, multi-party municipal land use dispute. Caleb dove into the voluminous agency records for these cases and was able to quickly and thoroughly marshal the facts. He crafted questions for judges and the Commissioner to ask at oral argument, participated in deliberations between these decision makers, and drafted the equivalent of bench memos and portions of decisions.

I was the judge for one of the environmental cases Caleb worked on. His ability to review large amounts of information and argument and distill the important issues was remarkable — even more so in my case where we had several self-represented litigants. The questions he prepared for oral argument were astute and his writing crisp and clear. The other judges who worked with Caleb shared similarly high praise with me. We all also found him a delight to work with — inquisitive, diligent, and professional, but also good humored. Caleb eagerly and openly accepted feedback on his writing and repeatedly asked for advice on how to approach problems and improve his skills.

I am also partially a tax judge and dragged Caleb along to an exceptionally dry, technical oil and gas property tax hearing. Even though the subject matter was not his cup of tea (is it anyone's?), Caleb concealed it well, gladly pitched in with anything I needed, and asked truly insightful questions about the issues and testimony.

I have worked with a lot of law students and junior attorneys over the years, in both large law firm and public sector settings. Some have an immediate instinct for practicing law and are able to hit the ground running, while others need some time to ferment before becoming great lawyers. Caleb is the former. Even as a 1L, he was a genuine asset to the judges in our offices and made a significant contribution to several decisions. I have no doubt Caleb will make an exceptional judicial clerk.

If you have additional questions, feel free to contact me at 907-269-8170 or [becky.kruse@alaska.gov](mailto:becky.kruse@alaska.gov).

Sincerely,

Rebecca Kruse  
Administrative Law Judge  
Alaska Office of Administrative Hearing

Rebecca Kruse - [becky.kruse@alaska.gov](mailto:becky.kruse@alaska.gov)

June 20, 2023

The Honorable Kea Riggs  
Pete V. Domenici United States Courthouse  
333 Lomas Boulevard, N.W.  
Albuquerque, NM 87102

Dear Judge Riggs:

It is my pleasure to provide this letter of recommendation for Caleb Anderson as he seeks employment as a Judicial Clerk. Caleb worked as an intern in the Natural Resources and Environment ("NRE") Section of the Colorado Department of Law during the spring of 2023. I was his direct supervisor throughout his internship.

During his time with NRE, Caleb demonstrated that he is an enthusiastic self-starter and a clear and effective communicator. He was able to tackle complicated legal issues and provide his assigning attorneys with high quality final work product. For example, when asked to provide assistance on a water administration enforcement case for a client agency, Caleb was ready for the task. He communicated proactively, performed research on the necessary processes, and generated various pleadings and draft settlement materials in a timely manner. Caleb did an excellent job of working with the materials provided by the client agency, and his detailed and thorough work product will help move this particular case forward on a more efficient timeline.

Caleb is pleasant, articulate, and professional, and I am confident he will be successful in all of his future endeavors. I highly recommend Caleb for a clerkship in your chambers. If I can be of any further assistance as you review Caleb's application, please contact me directly via phone or email.

Sincerely,

Caitlin M. Stafford, Asst. Attorney General  
Resource Conservation Unit  
caitlin.stafford@coag.gov; (720) 508-6254

Caitlin Stafford - Caitlin.Stafford@coag.gov

June 20, 2023

The Honorable Kea Riggs  
Pete V. Domenici United States Courthouse  
333 Lomas Boulevard, N.W.  
Albuquerque, NM 87102

Dear Judge Riggs:

I write in the strongest support of Caleb Anderson's application to serve in your chambers as a law clerk. Caleb has strong writing skills, takes the utmost responsibility for all his commitments, and is a delightful person. He is not only successful as a law student, but he also has done exceptional work for me as a research assistant and will be competing as a member of the Environmental Moot Court Team, which I coach. As the following discussion shows, all of this means he will make a stellar law clerk.

First, as to his excellence as a student: Caleb was my student in Legislation and Regulation, a mandatory 2-credit course taught to the 1Ls (Caleb took it in Spring 2022); in Water Law, an upper-division elective, in Spring 2023; and in Administrative Law, also in Spring 2023.

In all these classes, Caleb stood out. He was always prepared when I called on him (to the extent that he was my go-to person in all three courses when other students were confused); he asked incisive questions; and he brought his interdisciplinary background to bear on complex questions of (in Leg-Reg) statutory and regulatory interpretation; (in Water Law) common law, statute, and policy; and (in Administrative Law) procedure, constitutional law, statute and policy. He also visited my office hours regularly to discuss the law, not because he was confused, but because, given the necessarily constrained discussions in class time, he wanted to pursue the intricacies of the subjects. He will be a useful contributor to in-chambers discussions.

Caleb's scientific background meant that he readily understood the policy underlying Water Law, quickly assimilated the law, and was able to pinpoint strengths and weaknesses in that law with ease. Similarly, in Administrative Law, he understood the technical regulatory issues that slowed other students down; as with Leg-Reg, where the jumps among substantive areas caused other students to fail to see the forest for the trees, Caleb had the ability to abstract the Administrative Law issues from their contexts.

Caleb's performance in my classes shows that he has, in abundance, the analytical and communication skills to excel as a law clerk. Indeed, because he demonstrated such strong skills in interpreting statutes and regulations, he will be particularly adept in assisting you in that portion of your work.

Second, as to Caleb's performance as a research assistant: Because I had been so impressed with Caleb during Leg-Reg, and because I learned that he had an environmental-science background, I hired him to work for me as a research assistant. So far, he has worked on several different projects related to a book I am completing on Alabama water-resources law, including revising three chapters on instream flow (the levels of water required to maintain stream ecosystems) and writing a memo on the interaction of the Clean Water Act and the Endangered Species Act.

Caleb was a self-starter, utterly reliable and quick to finish every task I gave him. His research was thorough, and he was confident enough in his work to make suggestions that went to the underlying arguments made in the flow chapters (most of which I accepted). Moreover, he is a strong writer: I was able to plug his work-product into my manuscript virtually unchanged. I made the mistake of sharing him, first with a law-school classmate now serving as an administrative-law judge in Alaska and second with a colleague at the Geological Survey of Alabama. Both reported that he did excellent work. All of this, of course, suggests he will similarly excel as a law clerk.

Third, he will gain valuable experience on the National Environmental Law Moot Court Competition Team: Caleb was selected to compete as a member of our NELMCC team, and I can't emphasize strongly enough how well this will prepare him for serving as a law clerk. The Competition has a brutal structure. Unlike a typical moot-court competition, with two sides and two issues, the NELMCC problem always involves three parties (usually a governmental agency, a regulated industry attacking the agency from one side, and an environmental advocacy group attacking the agency from the other side) and numerous issues (sometimes as many as seven) involving jurisdiction, statutory interpretation, and administrative law. The team members write a brief for one of the parties, addressing all of the issues; on this part of the competition, they may receive no outside help at all. They then must be prepared to give oral argument on all the issues on all the sides. While this year's team will not start work until the problem is revealed in late September, I know that the Competition is a trial by fire, that Caleb will excel at it, and that the work will only add to the skills and confidence he can bring to a clerkship.

Finally, Caleb is simply a delightful person. I am always happy to see him, whether virtually or in the law school. He is a serious but charming person who is a pleasure to work with. I understand well how important it is for law clerks to be great colleagues. When I clerked – for the late Justice Ruth Bader Ginsburg and for then-Judge Merrick Garland – my co-clerks were my most important day-to-day workmates. Had one of them been a dud, my work would have suffered. Caleb will be not just a great law clerk, but a great co-clerk.

In sum, Caleb Anderson has the skills, the motivation, and the personality to perform with excellence as a law clerk. I give him my highest recommendation. If I can be of any further assistance, please do not hesitate to email me at [helliott@law.ua.edu](mailto:helliott@law.ua.edu) or to call

Heather Elliott - [helliott@law.ua.edu](mailto:helliott@law.ua.edu) - 205-348-9965

me at 205-771-0007.

Yours very sincerely,

Heather Elliott

Heather Elliott - hellriott@law.ua.edu - 205-348-9965

**CALEB ANDERSON**

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(717) 275-6096 | Caleb.anderson@law.ua.edu

**WRITING SAMPLE**

[The following writing sample is excerpted from a memorandum prepared for an Administrative Law Judge (ALJ) in the Alaska Office of Administrative Hearings and is used with permission from my employer. Respondent Foster’s Alaska Cabins (Foster’s) installed a septic system on their property with two tanks within 100 feet of a stream, violating a provision of the Alaska Administrative Code (AAC). The Alaska Department of Environmental Conservation (DEC), Division of Water (Division) corresponded with Respondent’s hired engineer Clayton Spitler of Tauriainen Engineering and Testing (Tauriainen) and waived the statutory separation distance (setback) requirements for the tanks, finding that a lesser setback would not pose a risk to public health or the environment. Owners of two properties adjacent to the Foster’s property filed a pro se appeal contesting the Division’s waiver decision. The DEC Commissioner, acting as the final decisionmaker, granted a hearing on the briefs and allowed oral argument. This excerpt, written prior to oral argument, contains an analysis of how the parties’ briefs addressed the statutory requirements for a waiver and a preliminary recommendation for the Commissioner’s decision.]

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**a. The Appellants’ Opening Brief**

The Appellants’ Opening Brief contained one core argument: that “the health of the Kenai River is susceptible to ‘death by a thousand cuts’ ... [so DEC] should not be cutting corners and risking water contamination to accommodate one user, particularly when that decision is based upon misinformation.” Appellants’ Opening Brief, at 2. The Appellants also

appeared to view setback waivers as unacceptable “special treatment for a few individuals to create damage to the Kenai River.” Id.

To support their claim that the Division based its decision on misinformation, the Appellants provided a short list of “incorrect assumptions.” Id. First, the Appellants stated that the stream is not a “dry ditch” and flows year-round, despite previous “actions to fill the stream bed and force it through culverts,” and they provided two videos as evidence of the stream flow. Id., at 2-5. This assertion does not necessarily contradict Spitler’s observation that the stream likely flows year-round despite sections appearing intermittently dry. R-12-13.

Second, the Appellants contended that the Division and Foster’s misrepresented characteristics of the surface water and groundwater on the property, arguing that the stream is not upgradient of the septic system and thus any contamination would “travel to the lowest elevation point on the property - the stream and its ravine.” Appellants’ Opening Brief, at 6. The Appellants did not cite to the administrative record in their Opening Brief and there is no information in the record that supports this argument. Thus, the Opening Brief did not allege a present harm, nor did it cite to evidence in the record supporting its argument that the waivers were granted in error.

#### **b. The Division’s Response Brief**

In its Response Brief, the Division argued that the septic tanks pose no “meaningful threat of harm to the stream” for three reasons: the tanks’ design minimizes the likelihood of underground leakage or surface overflow, an underground leakage would flow downward and away from the stream, and the location of any surface overflow would allow time for the operators to respond before significant contamination entered the stream or the Kenai River. Division’s Response Brief, at 16-17, 30. The Division also argued that the Commissioner should

apply a deferential standard of review “because the decision is based on scientific and technical expertise, rather than on law or policy.” *Id.* at 14. In response to the Appellants’ argument that the stream is not intermittently dry, the Division stated that “[d]espite its intermittent flow, the Division has always considered the small surface water to the north of Mr. Foster’s property to be a ‘stream’ under 18 AAC 72.020(b),” which “is why the Division required Mr. Foster to apply for a separation distance waiver in the first place.” *Id.* at 2-3.

The Division began its analysis by explaining that, unlike a soil absorption system, septic tanks are designed to not discharge into the environment when properly installed and thus pose a lower risk of environmental harm. *Id.* at 17, 20. This reduced risk is reflected by the lack of a vertical separation distance from the water table for septic tanks under 18 AAC 72.020 and by the fact that the Uniform Plumbing Code, a source of industry standards, only requires a 50-foot setback for septic tanks. *Id.* at 17-18. Since 2003, no wastewater discharges into the stream have been observed, further supporting the low risk posed by the Foster’s septic system. *Id.*

Next, the Division cited general principles of groundwater movement to explain why the stream would not be threatened in the unlikely event one of the tanks leaked. *Id.* at 20; *see* Declaration of Tonya Bear. Subsurface discharges typically are pulled deeper underground by gravity to join the groundwater. Division’s Response Brief, at 21. Shallow groundwater in this area is likely to move toward and with large nearby rivers; in this location, those rivers are located to the south and east of the stream flowing through Foster’s property. *Id.* at 22. Thus, the Division’s expert opinion was that any subsurface leakage from the septic tanks would move downward and away from the stream, posing a low risk that would not be increased by setback waivers. *Id.* at 22-23. The Division remarked that the “Appellants seem to conflate surface water

and subsurface water” as a possible explanation of the Appellants’ argument that subsurface leakage would behave like surface runoff. *Id.* at 24-27.

The Division also argued that even if wastewater overflowed from the septic tanks to the surface, the septic system’s design and location and the low flow of the stream would pose a low risk of environmental harm. The location of the system means that any surface overflow would be readily noticeable, while the shallow slope of the ground over the system and the “fairly porous” nature of the soil means that an overflow would move slowly downhill and likely be reabsorbed into the ground. *Id.* at 30-31. Addressing the Appellants’ contention that the stream flows year-round, the Division responded that “the stream is not likely to quickly sweep any contaminants that reach the stream further downstream toward Beaver Creek” based on photos of the stream in the record showing slow or absent flowing water. *Id.* at 31-32. If the stream was forced through a culvert on Foster’s property as the Appellants claim, such a modification would further reduce the risk of significant contamination reaching the surface water. *Id.* at 32. The Division cited the Appellant’s observation of “several pink salmon smolt in the stream” only once around 30 years ago to show that the stream does not support “meaningful aquatic life.” *Id.* But such sparse evidence does not provide strong support for any conclusion about aquatic life in the stream.

Thus, the Division relied on its technical expertise and information from the record about the characteristics of the septic system and the stream to support its determination that the system’s design was “protective of public health, public and private water systems, and the environment” under 18 AAC 72.060.

**c. The Respondent’s Response Brief**

Foster's filed a four page response brief in which they focused on the lack of evidentiary support for the claims in the Appellants' Opening Brief, which would mean the Appellants are unlikely to have met their burden of proof. Respondent's Response Brief, at 2-3. Foster's pointed out that the Appellants did not claim any present harm, "merely an inchoate potential future harm of the Kenai River generally." Id. at 2. Foster's also attached memoranda from Spitler and the DEC employee who approved the waivers for further explanation of the thoroughness of the Division's review process. These memoranda summarized much of what the Division discussed in greater detail in its Response Brief, including groundwater dynamics, the characteristics of the stream, and the thoroughness of the Division's review process. Id. Attachments A and B.

Foster's also briefly advanced an "unclean hands" defense by asserting that DEC lacks documentation for the wastewater system on the adjacent property belonging to Appellants Richardson and Baker. Id. at 1-2. If Richardson and Baker have not obtained DEC approval of their wastewater system, Appellants cannot claim that DEC gave Foster's "special treatment" because the "Requestors are flouting the very regulations to which Foster is subject." Id.

By reiterating the lack of evidentiary support for the claims in the Appellant's Opening Brief and the thoroughness of the Division's review of the waiver requests, Foster's likely demonstrated that the waiver decision was supported by substantial evidence.

#### **d. The Appellants' Response to the Briefing**

On June 7, 2022, the Appellants provided a statement ("Appellants' Response Statement") in which they respond to "the issues [they] believe to be relevant" from the Response Briefs. Appellants' Response Statement, at 1. The Appellants stated that they are "directly and adversely affected" by the setback waivers because they are "the directly adjacent property up and downstream from this septic system and will be most affected by any leaking

fecal coliform,” and because they “fish from [their] docks, recreate on the water, clean fish and make other uses of the water from this site.” *Id.* at 1-2, 4. The use of the future tense when the Appellants wrote about leaking fecal coliform indicates that they did not claim any present harm.

The Appellants claimed that many statements in the Response Briefs are either irrelevant or untrue but provided no evidence to support these claims. *E.g.*, *Id.* at 5 (“This statement by Mr. Tikka is ridiculous and untrue, being contradicted by all other evaluations of the stream in question.”). However, the Appellants also made new allegations about construction activity performed by Foster’s at 1005 Angler Drive which they believe should have resulted in the Division denying approval of the septic system and of the waivers. *Id.* at 2-4. First, the Appellants claimed that there are components of the system of which Tauriainen has no knowledge, and that the system “intrude[s] on the 100 foot setback from the Richardson drinking water well”. *Id.* at 2. The only intrusion on setback from the private well on the Richardson property to the south which is documented in the record is not a sewer line but a water line, which does not fall under the requirements of 18 AAC 72.020. R-8.

Next, the Appellants claimed that “the portion of the stream alongside most of the length of 1005 Angler Drive has been heavily modified,” including installation of a culvert, and that another owner of Foster’s property was at least partially responsible for this modification in 1990. Appellant’s Response Statement, at 3. Thus, the Appellants appeared to concede that the portion of the stream along Foster’s property is mostly dry, but only because of the actions of prior Foster’s property owners. *Id.* The Appellants suggested that they may have further unsubmitted evidence, stating that “[t]here are other issues that relate to [the stream modification] issue that we will bring up in our oral arguments, when all participants will be under oath.” *Id.*

The Appellants' third claim was that because "[Foster's] added another cabin in October 2021 (not reported to the [DEC] or included in the application information)" and because "there are frequent visitors for the property, staff and also guides and their clients who most likely also make use of the septic system," the engineer's estimate of peak daily wastewater generation was a "gross underestimate." Id. at 4. The Appellants cited no evidence to rebut the water meter readings provided by Foster's showing a maximum usage rate during the 2020 guest season of 300 gallons per day (gpd), which was below the engineer's calculated estimate of 515 gpd. R-28, 52.

Although the Appellants raised additional claims that, if true, might have led the Division to deny the setback waiver requests, the lack of evidentiary support for these claims makes it difficult to find that the Appellants have met their burden under the "preponderance of the evidence" standard.

## **II. Preliminary Recommendation**

Because the Appellants did not show that they were directly and adversely affected by the septic tank setback waivers, and because the Appellants provided little evidentiary support for their claims, the Appellants likely failed to prove by a preponderance of the evidence that the Division's decision to grant the waivers was not supported by substantial evidence. Thus, the Commissioner should affirm the Division's decision. Because the record shows at least two instances in which the Respondent sought after-the-fact approval of their septic system, the Commissioner may wish to instruct the Respondent that the decision in this appeal should not be construed as permission to construct improvements to their property without agency pre-approval as required by statute.